

## Message Text

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ACTION ARA-14

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INFO AMEMBASSY CARACAS  
AMEMBASSY SANTO DOMINGO  
USMISSION USUN NEW YORK

UNCLAS PORT AU PRINCE 1114

E.O. 11652: N/A  
TAGS: SHUM, PINT, HA  
SUBJ: PRECEDENT-SETTING TRIALS CONCLUDE

REF: PORT AU PRINCE 0971

1. SUMMARY: THE TWO ACCUSED ASSAILANTS OF EDITOR/PASTOR LUC NEREE WERE EACH CONVICTED AND SENTENCED MARCH 21 TO FOUR MONTHS IMPRISONMENT. THE FOLLOWING DAY ARMY SECOND LIEUTENANT CLAUDE REMY WAS CONVICTED BY MILITARY COURT MARTIAL OF MURDERING A CIVILIAN ENGINEER DURING LAST MONTH'S MARDI GRAS FESTIVITIES AND SENTENCED TO SIX YEARS OF HARD LABOR. TRIALS ARE A MAJOR STEP FORWARD FOR HAITIAN JUDICIAL SYSTEM. THEY CONSTITUTE A WARNING TO MILITARY AND PARA-MILITARY ELEMENTS THAT FLAGRANT ABUSES WILL NO LONGER BE CONDONED OR SWEEPED UNDER THE RUG. THEY ALSO DEMONSTRATE INCREASED GOH RESPONSIVENESS TO PRESSURE OF PUBLIC OPINION. END SUMMARY

2. WESNER PETION AND ESTERNE JOSEPH THE TWO VSN MEMBERS ACCUSED IN THE NEREE BEATING WERE FOUND GUILTY OF SIMPLE UNCLASSIFIED

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ASSAULT BY CIVIL TRIBUNAL JUDGE ROCK RAYMOND UNDER ARTICLE 256 WHICH MANDATES ONE TO THREE YEARS IMPRISONMENT AND PERPETRATORS OF AN ASSAULT WHICH CAUSES THE VICTIM TO MISS MORE THAN 20 DAYS OF WORK. JUDGE RAYMOND EXPLAINED, HOWEVER, THAT THE LESSER CONVICTION WAS APPROPRIATE BECAUSE PASTOR NEREE HIMSELF HAD BEEN UNWILLING TO PRESS CHARGES AND NO OTHER WITNESSES TO THE INCIDENT TESTIFIED. ACCORD-

ING TO THE GOVERNMENT THE ASSAILANTS ONLY HAVE ONE MONTH LEFT TO SERVE BECAUSE THEY SPENT THREE MONTHS IN PRETRIAL CUSTODY. HOW STRICT THIS CUSTODY WAS, HOWEVER, IS AN OPEN QUESTION BECAUSE BOTH MEN WERE SEEN AT LIBERTY IN THE MONTHS PRECEDING THE TRIAL.

3. THE COURT MARTIAL OF LIEUTENANT REMY, ACCUSED IN THE SHOOTING DEATH OF ENGINEER JACQUES CADET ON FEBRUARY 5, CONCLUDED ON MARCH 22 AFTER FIVE DAYS OF ARGUMENT. REMY WAS FOUND GUILTY OF UNJUSTIFIED HOMICIDE AND SENTENCED TO SIX YEARS HARD LABOR. HE WILL BE DEMOTED TO PRIVATE AND WILL LOSE ALL PAY AND BENEFITS WHILE SERVING HIS SENTENCE AFTER WHICH HE WILL BE DISCHARGED FROM THE ARMED FORCES.

4. BOTH THE TRIAL OF THE VSN MEMBERS AND THE COURT MARTIAL OF LIEUTENANT REMY WERE OPEN TO THE PUBLIC AND MEDIA COVERAGE WAS EXTENSIVE. THE MORE LIMITED PRESS COMMENT HAS CONCENTRATED ON THE PRECEDENT-SETTING NATURE OF THE TWO TRIALS. PETI SAMEDI SOIR, AN INDEPENDENT WEEKLY, CALLED THE NEREE TRIAL A "HAPPY EVENT BECAUSE IT IS THE FIRST TIME THAT 'MACOUTES' HAVE BEEN BROUGHT BEFORE A COURT AS DEFENDANTS TO ACCOUNT FOR THE ACTION". THE MORE TRADITIONAL INDEPENDENT DAILY NOUVELLISTE, IN ASSESSING THE REMY TRIAL, SAID IT WAS "THE FIRST TIME THAT A MEMBER OF THE ARMED FORCES HAS BEEN PUBLICLY JUDGED FOR UNCLASSIFIED

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KILLING A CIVILIAN". REFERRING TO BOTH TRIALS THE NOUVELLISTE WENT ON TO SAY "THEY CONTAIN A LESSON, THEY QUESTION A SPIRIT, THEY REPUDIATE A TREND, AN EPOCH..."

5. COMMENT. THESE TWO TRIALS DEMONSTRATE THAT THE GOH IS INCREASINGLY RESPONSIVE TO DOMESTIC AND INTERNATIONAL PUBLIC OPINION. IN BRINGING NEREE'S ASSAILANTS TO TRIAL THE GOVERNMENT HAS MADE GOOD ITS PROMISE GIVEN SHORTLY AFTER THE ATTACK AND REPEATED LAST MONTH TO THE VISITING IAPA COMMISSION OF INQUIRY ON PRESS FREEDOM. THE TRIALS LIKEWISE REFLECT CREDIT ON THE HAITIAN JUDICIAL SYSTEM AND THERE IS WIDESPREAD SATISFACTION AT SEEING THE ONCE IMMUNE VSN/MACOUTES, AS WELL AS AN ARROGANT AND WELL-CONNECTED YOUNG OFFICER, CALLED TO ACCOUNT FOR THEIR MISDEEDS. DESPITE THE LENIENT TREATMENT OF NEREE'S ASSAILANTS, INDEPENDENT JOURNALISTS AND OTHER PROGRESSIVE ELEMENTS ARE ENCOURAGED THAT THE GOVERNMENT ACTED AS A RESULT OF PUBLIC PRESSURE AND BY THE IMPLICIT WARNING TO MILITARY AND PARA-MILITARY ELEMENTS THAT FLAGRANT ABUSES WILL NO LONGER BE CONDONED OR SWEEPED UNDER THE RUG. JONES

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## Message Attributes

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